

**ZB# 95-18**

**Irene Meyers**

**18-1-9**

Prelim.

Apr. 24, 1995.  
Interpretation  
of Use-OCPD ~~table~~  
Notified on  
5/8/95

SEQR form.

Need copies:

- ① Needs ✓
- ② Title Report ✓
- ③ Photos ✓
- ④ Fees: ① 150.00
- ② 500.00.

Notice to Sentinels on 5/8/95 -

Public Hearing:

May 22, 1995.

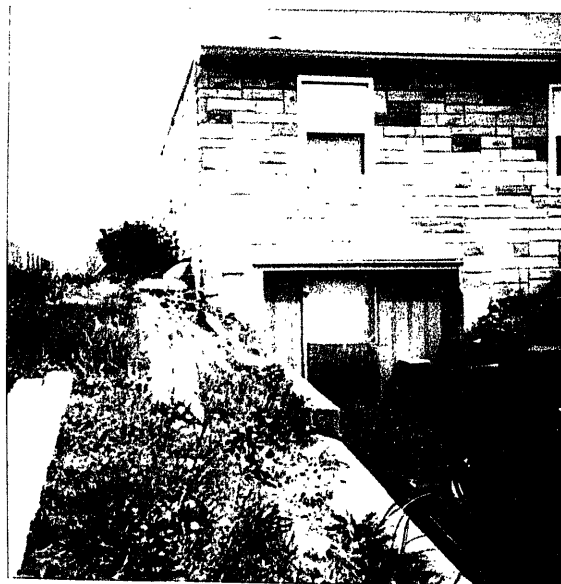
Granted: -  
Interpretation  
as a home,  
Occupation

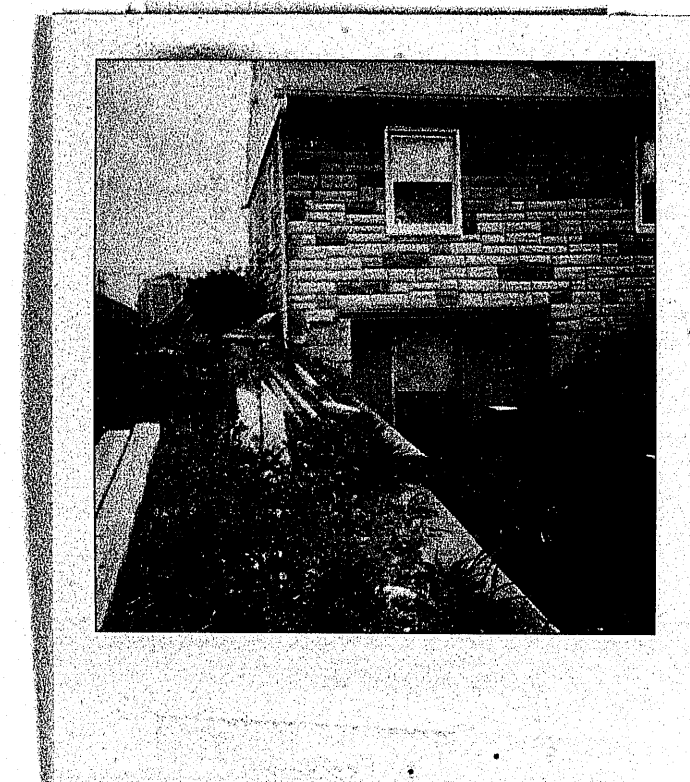
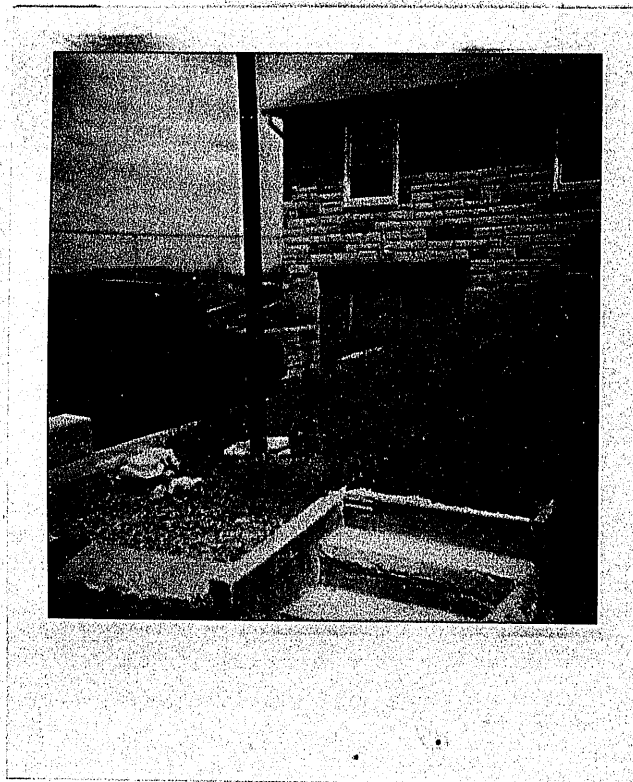
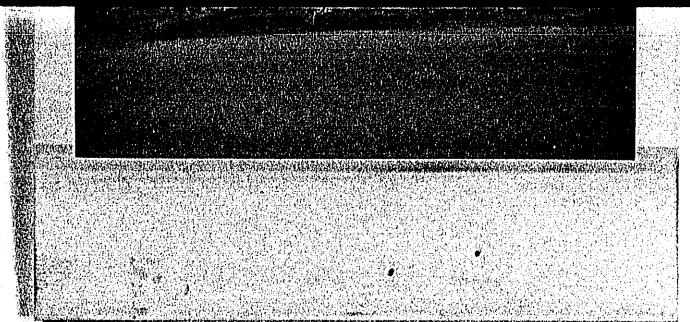
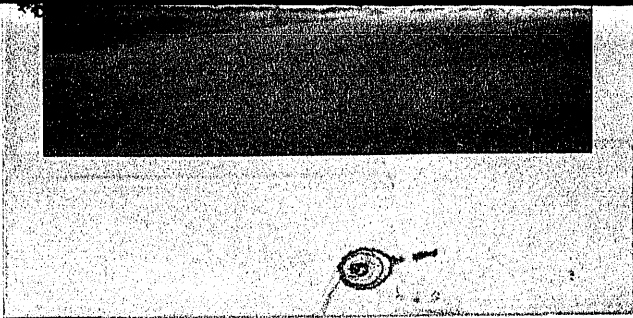
Refund: \$158.00

#95-18 - Meyers, Irene

use - 18-1-9.

~~Index # 3863/94.~~





TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

## GENERAL RECEIPT

14598

may 9 1995

Received of Jay & Irene Meyers \$ 50.00  
Fifty 00/100 DOLLARS

For ZBA # 95-18

DISTRIBUTION:

FUND	CODE	AMOUNT
ck # 2951		50.00

By Dorothy H. Hansen

Town Clerk  
Title

Date June 6, 1995.

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO Jane Meyers DR.

16 Walnut Street

New Windsor, N.Y. 12553

Charge: ZBA

DATE	CLAIMED	ALLOWED
6/6/95	Refund of Unused Escrow #95-18	#158.00
<p>Approved: Patricia A. Bankhart ZIBA.</p>		

JAY L. MEYERS JR.  
IRENE L. MEYERS  
16 WALNUT ST.  
NEW WINDSOR, NY 12553

2952  
29-7003/2213  
24

Pay to the  
order of

Town of New Windsor

\$ 300.00

Three hundred Dollars

Dollars



albany savings bank

Route 32 and Old Temple Hill Road  
Vails Gate, New York 12584

For #95-18 ZBA

Jay L. Meyers

⑆221370030⑆

24 02121 4 2952

© Clarke American

Wildlife Portraits® WWP

JAY L. MEYERS JR.  
IRENE L. MEYERS  
16 WALNUT ST.  
NEW WINDSOR, NY 12553

2951  
29-7003/2213  
24

Pay to the  
order of

Town of New Windsor

\$ 50.00

fifty Dollars

Dollars



albany savings bank

Route 32 and Old Temple Hill Road  
Vails Gate, New York 12584

For ZBA #95-18

Jay L. Meyers

⑆221370030⑆

24 02121 4 2951

© Clarke American

Wildlife Portraits® WWP

-----x  
In the Matter of the Application of

IRENE MEYERS

DECISION GRANTING  
INTERPRETATION#95-18.  
-----x

WHEREAS, IRENE MEYERS, residing at 16 Walnut Street, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for an interpretation and/or use variance to allow a home occupation (arrow and firearm repair shop) as a permitted use in premises located at 16 Walnut Street in an R-4 zone; and

WHEREAS, a public hearing was held on the 22nd day of May, 1995, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared for herself; and

WHEREAS, there were four (4) spectators who spoke with respect to the application; asking questions. No person voiced objection to the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The subject property is a one-family home in a neighborhood zoned for residential use.

(b) A letter was received and filed from eleven (11) persons on Walnut Street and Cedar Avenue together with three (3) notes of no objection.

(c) The Orange County Planning Department returned this matter for local determination.

(d) The proposed use of the property is for repairs of firearms and arrows.

(e) No firing of either firearms or bows will be done on the premises at any time.

(f) There will be no sale of firearms of any type, bows, arrows or archery equipment.

(g) No gunpowder will be stored on the premises.

(h) There is off-street parking available for the use of customers to the premises.

(i) The applicant proposes that there will be no signs on the premises. The size of the sign allowed is limited by Town Law.

(j) No more than one-quarter of the square footage of the house will be used for the proposed usage.

(k) There will be a firearm safe maintained on the premises to lock up and secure all firearms if the proposed use is granted.

(l) The home repair of arrows and firearms dates back to the time of the American Revolution as does this town and it has been customary for persons residing in the Town of New Windsor to have as a home occupation, the repair of arrows and firearms.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The proposed use is a home occupation to be conducted in the home.

2. The proposed use is adjunct to the primary use of the residence as a residence.

3. The proposed use will create no safety problems either with traffic or the use itself.

4. The proposed use is a "customary home occupation" as defined by Section 48-37 of the Town Code and is, therefore, a permitted accessory use.


NOW THEREFORE BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor determines that the proposed use described herein is a "customary home occupation" as defined by Section 48-37 of the Town Code and is, therefore, a permitted accessory use, and it is further

RESOLVED, that the application for a use variance is marked withdrawn without prejudice, and it is further

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: July 10, 1995.

  
Chairman

(ZBA DISK#13-062895.RM)



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Meyers, Vay & Irene

FILE # 95-18

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE . . . . . \$ 50.00 - paid

\* \* \* \* \*

ESCROW DEPOSIT FOR CONSULTANT FEES . . . . . \$ 300.00 - paid

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE	4/24/95 - 8 pages	\$ <u>36.00</u>
2ND PRELIM. MEETING - PER PAGE	5/22/95 - 8 pages	\$ <u>36.00</u>
3RD PRELIM. MEETING - PER PAGE		\$ <u>          </u>
PUBLIC HEARING - PER PAGE		\$ <u>          </u>
PUBLIC HEARING (CONT'D) PER PAGE		\$ <u>          </u>
TOTAL . . . . .		\$ <u>72.00</u>

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING-	HRS.	4/24/95	\$ <u>35.00</u>
2ND PRELIM.	HRS.	5/22/95	\$ <u>35.00</u>
3RD PRELIM.	HRS.		\$ <u>          </u>
PUBLIC HEARING	HRS.		\$ <u>          </u>
PUBLIC HEARING	HRS.	(CONT'D)	\$ <u>          </u>

TOTAL HRS.	@ \$	PER HR.	\$	
TOTAL . . . . .				\$ <u>70.00</u>

MISC. CHARGES:

TOTAL . . . . .	\$ <u>7</u>
TOTAL . . . . .	\$ <u>142.00</u>

LESS ESCROW DEPOSIT . . .	\$ <u>300.00</u>
(ADDL. CHARGES DUE) . . .	\$ <u>          </u>
REFUND TO APPLICANT DUE .	\$ <u>158.00</u>

(ZBA DISK#7-012192.FEE)

5/22/95 Public Hearing - Meyers, Irene #95-18

Name:

Address:

Margaret + Floyd Farkent 9 Locust Ave

Phil Grieco 27 Walnut St

Andrew B. B. 8 Walnut St.

Date 6/5/95, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Francis Roth 147 Sycamore Dr DR.  
New Windsor NY 12553

DATE

CLAIMED

ALLOWED

5/22/95	Zoning Board Meeting	75 00		
	Misc - 2			
	Evans - 13			
	Mobil Oil - 6			
	Brisman - 5			
	<del>Meyers - 8</del>			
	Tierney - 4			
	Park Road - 11			
	<u>50 pp</u>	225 00		
		<u>300 00</u>		

PUBLIC HEARINGS:

MEYERS, IRENE

MR. NUGENT: Request for Interpretation and/or use variance to allow a home occupation (arrow and gun repair shop) as a permitted use in premises located at 16 Walnut Street in an R-4 zone.

Mr. and Mrs. Meyers appeared before the board for this hearing.

MR. NUGENT: Is there anyone in the audience here for the Irene Meyers' public hearing? Would you please sign this?

MS. BARNHART: For the record, I sent out 48 addressed legal notices to the people that were on the certified list.

MR. KRIEGER: For the record, there are apparently four individuals who have indicated that they are spectators for this particular application.

MR. NUGENT: Also for the record, Mrs. Meyers sent a letter and I'll read it. Mr. and Mrs. Meyers residing at 16 Walnut Street are requesting from the Town Board a variance to own and operate a part time business for the purpose of archery and gun repair services from our residence. There will be a public hearing date to be determined. We would like know if you are in favor or have objections to said business. And it is signed by 11 people on Walnut and also Cedar and I have three people that sent no objections back, some of them have notes, one doesn't say anything, just says no objection, second one says I have no objection to you having an arrow and gun repair at 16 Walnut and you can tell the Zoning Board, from Art Miller and this is okay with me, the owner-operators of above stated business, George Whalen.

MS. BARNHART: I'll receive and file that.

MR. NUGENT: Other one is from the Orange County Planning Department and there is no significant

intercommunity or county-width considerations to bring to your attention. County action is local determination. And I think you all received a copy of what Mr. Meyers is going to be doing in this business. Okay, you're on.

MR. MEYERS: Good evening. Is there any questions that I can answer for the board or for the record?

MR. NUGENT: I guess you're not going to be doing any test firing?

MR. MEYERS: No, we're not, no test firing.

MR. NUGENT: No powder on the premises?

MR. MEYERS: No.

MR. LANGANKE: You'll not be selling weapons of any kind?

MR. MEYERS: No, just repairs cause everybody I have talked to, you know, they have taken them to Bernabos, he sends them out, Lownsbury in Middletown, he sends them out, and I feel you know maybe we can serve the hunting population for ones that do hunt or do own firearms that have problems with them instead of taking them out of the town and going like to Middletown or going down to Bernabos and they are all going to be sent out. Everything that we'll do will be right on the premises.

MR. TORLEY: And arrows also?

MR. MEYERS: Yes.

MR. REIS: What's stock bedding?

MR. MEYERS: Installing the barrel into the stock and mounting the barrel on to the stock.

MR. TORLEY: Increasing the accuracy of the rifle.

MR. NUGENT: Some people put custom stocks on them.

MR. MEYERS: Yes.

MR. TORLEY: Am I correct in assuming that there have been no feedback negative from the police department about this kind of business?

MR. NUGENT: We haven't gotten any.

MR. LANGANKE: It's not going to create a type of volume that parking would be a problem or--

MR. MEYERS: No. If I see that the business starts picking up, then I'll look for someplace else, move it out of the residence.

MR. TORLEY: I missed the Preliminary Hearing, what's the nature of the interpretation that the home occupation is not clearly listed?

MR. KRIEGER: Home occupation is not thoroughly defined so it becomes a question if this is a, under the words of the statute a customary home occupation, then it is a permitted accessory use. If it is not, then it is not a permitted accessory use and it would require a use variance.

MR. TORLEY: If you went back far enough, you'd find that particularly the Town of New Windsor that home repair of one's firearm or firearms for the Revolutionary Army was considered appropriate activity at one time.

MR. KANE: It states under gunsmith, wasn't here for the prelim and it just stated in your preliminary hearing that Mr. Reis asked were you doing any sighting in the basement? It says nothing. Can you--

MR. MEYERS: No. What it is is there's an arbor that goes into the barrel, it just gets you on paper and once you go out, then it's, you know, whoever the firearm belongs to, it's up to them to put it on center as far as on target.

MR. TORLEY: Preliminary steps of aligning the sights.

MR. NUGENT: I'd like to at this time open it up to the public. If anybody has any comments, try not to be repetitious.

MS. MARGARET FARBENT: My name is Margaret Farbent, I live at 9 Locust Avenue. I'd like to know where the weapons are going to be tested? You're just going to fix something and give it to somebody and they are not going to worry about testing?

MR. MEYERS: He will take it to a range, if he's a member of a gun club or has property that they'll test it and if there's any problem, they'll give us a call and we'll try to rectify the problem.

MR. TORLEY: But he will not be doing any firing on the site.

MR. MEYERS: No, no firing on the premises.

MR. FLOYD FARBENT: 9 Locust Avenue. You're not to do any primary firing, no gun powder whatsoever?

MR. MEYERS: Nope.

MR. FARBENT: How about your archery?

MR. MEYERS: What that is just straightening arrows and replacing fletchings.

MR. FARBENT: Not going to use any of the arrows or anything?

MR. MEYERS: Excuse me?

MR. FARBENT: You're not going to fire, any testing?

MR. MEYERS: No testing on the site.

MR. MEYERS: Everything is going to be the customer needs to, he will have to go to an archery range. There is Pop's Archery Range out in Walden, to fire his equipment out there.

MS. ELAINE GRIECO: I have just one question. I don't

mind doing the business but the question I have is that considered residential or commercial on Walnut Street where they are located?

MR. NUGENT: It's residential.

MS. GRIECO: It is definitely residential?

MR. NUGENT: Yes.

MS. GRIECO: Okay, that is all I wanted to know.

MR. TORLEY: Ma'am the question is interpretation of what sort of home activities are permitted in the zone.

MS. GRIECO: Will there be a sign outside of the house?

MR. MEYERS: No sign.

MR. FARBENT: Will you have parking spaces on the property?

MR. MEYERS: They can park in front of the house or in the driveway.

MR. MEYERS: We don't expect that much business. It's only a part time business.

MR. NUGENT: You do have off-street parking?

MR. MEYERS: Yes.

MR. TORLEY: If the business takes off, then you'd move to a regular commercial site?

MR. MEYERS: Right.

MR. TORLEY: Good luck.

MR. MEYERS: Thank you.

MR. NUGENT: Any further questions from the audience? Hearing none, I'll close the public hearing and open it back up to the board for any further question or for a motion.



MR. KRIEGER: How much of the ground floor area of the dwelling will this occupy?

MR. MEYERS: 12 by 24 foot, it will be the garage.

MR. KANE: Percentage-wise?

MR. KRIEGER: Not exactly, just approximately, fraction-wise, if that is easier.

MR. MEYERS: A fourth, if that.

MR. KRIEGER: Not more than a fourth?

MR. MEYERS: No.

MR. KRIEGER: I bring the applicant's attention also the board's and also I think there was a question from the audience with regard to this. Home occupation is defined by Section 4837 to be found on page 4896 of the Town Code and it requires no display of advertising other than a small nameplate and no display of products shall be visible from the street. Even if the interpretation which the applicant seeks were granted by the Zoning Board of Appeals, he would still be limited according to this, it should be an answer to your sign question, nameplate, that is it. Wants a bigger sign, he has to go somewhere else.

MR. LANGANKE: I think that one of the primary concerns we all had is the safety factor and I can't see where anything here is a threat in any manner.

MR. TORLEY: The only question, sir, is that I am assuming when you have people's firearms in your house--

MR. MEYERS: They'll be locked up, there is a gun safe, there will be a gun safe.

MR. KRIEGER: With respect to the parking, how will you accommodate cars of customers that come in?

MR. MEYERS: They can park right in front of the house

off the street.

MR. KRIEGER: And there's off-street parking available for them there?

MR. MEYERS: All right, in front, I have a wall that is outside the right, off the front yard and they can pull right off the shoulder of the road.

MR. KRIEGER: How many cars could that accommodate?

MR. MEYERS: Six cars.

MRS. MEYERS: About four or five.

MR. KRIEGER: They would be off the traveled portion of the roadway?

MR. MEYERS: Yeah, they'd be off the road.

MR. TORLEY: You don't anticipate more than four customers' vehicles at a time?

MR. MEYERS: No.

MR. NUGENT: They are hoping.

MRS. MEYERS: We're hoping but not at this point.

MR. MEYERS: Right now, it's like a nervousness on my part. I have been stressed out all weekend long just thinking about coming here.

MR. TORLEY: We hardly ever bite.

MR. MEYERS: It's like expecting a baby, you know it's coming but you don't know when.

MR. NUGENT: Any further questions? I'll accept a motion.

MR. KANE: I move that we find the home gunsmithing as a home occupation and we interpret it that way.

MR. NUGENT: And then we grant the variance.

May 22, 1995

33

MR. KRIEGER: Yes, home occupation as permitted under the zoning.

MR. TORLEY: Second it.

ROLL CALL

MR. LANGANKE	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

(914) 563-4630

May 23, 1995  
FAX: 914-563-4693

Jay and Irene Meyers  
16 Walnut Street  
New Windsor, N. Y. 12553

RE: APPLICATION FOR INTERPRETATION - HOME OCCUPATION  
#95-18

Dear Jay and Rene:

This is to confirm that the Zoning Board of Appeals at its May 22, 1995 meeting voted to interpret your request for an arrow and gun repair shop in your residence as follows:

The proposed use as an arrow and gun repair shop at 16 Walnut Street (R-4 zone) is considered by the ZBA to be a Home Occupation.

Formal decision will be drafted at a later date and acted upon by the Board. You will be receiving a copy by return mail.

Very truly yours,

PATRICIA A. BARNHART  
Secretary

/pab

cc: Michael Babcock, B. I.



## COUNTY OF ORANGE

JOSEPH G. RAMPE  
COUNTY EXECUTIVE

## DEPARTMENT OF PLANNING

124 MAIN STREET  
GOSHEN, NEW YORK 10924-2124  
TEL: (914) 294-5151, EXT. 1770 FAX: (914) 294-3546

PETER GARRISON, COMMISSIONER

### ORANGE COUNTY DEPARTMENT OF PLANNING 239 L, M OR N REPORT

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by:

OCDP Reference No.: NWT-5-95-M  
County I.D. No.: 4-1-67

Town of New Windsor

Applicant:

James Nugent - ZBA Chairman

Proposed Action:

Use Variance - ~~Free standing sign~~

State, County, Inter-Municipal Basis for Review:

Within 500' of NYS Highway 300.

Comments:

There are no significant inter-community or countywide considerations to bring to your attention.

Related Reviews and Permits:

County Action: Local Determination X

Disapproved

Approved

Approved subject to the following modifications and/or conditions:

Date:

5/30/95

*B. Vincent Hammond*  
Commissioner

(Untitled)

## GUNSMITHING

The job of gunsmithing is as follows.

- 1-Firearms cleaning and maintenance.
- 2-Mounting scopes.
- 3-Stock bedding.
- 4-Stock refinishing.
- 5-Mounting recoil pads and sling swivels.
- 6-Parts replacement.
- 7-Troubleshooting.
- 8-Firearms identification and appraising.
- 9-Metal refinishing.
- 10-Bore sighting.

R & F - 5/22/95.  
ZBA.

To The Residents Of Walnut Street,

Mr. & Mrs. Jay Meyers residing at 16 Walnut Street, are requesting from the Town Board A Variance to own and operate a Part-Time Business for the purpose of Archery And Gun Repair Service, From our Residence. There will be a Public Hearing. (Date to be determined..)  
We would like to know if you are in Favor of or have Objections to said Business.

Thank You,

Irene Meyers

*Irene L. Meyers*

Jay Meyers

*Jay Meyers*

We The Undersigned are in favor of said Business:

Name:

Address:

Fesce  
Vita Spult  
Robert Holm  
Mary Graham  
Vincent Pellarso  
Joe Chernick  
Joseph Garsthaek.  
John Black  
Mat + Mrs L. Geradagnos  
Vince Palmieri

15 W 1st St  
17 Walnut St  
12 Walnut Street  
12 WALNUT ST.  
23 WALNUT ST  
21 Walnut St  
106 Cedar Ave.  
5 Walnut St.  
6 Walnut St  
13 Walnut St  
24 Walnut St.

John Abbinante



PUBLIC NOTICE OF HEARING BEFORE

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 18

Request of Irene & Jay Meyers

for a VARIANCE of the Zoning Local Law to permit:

arrow and gun repair as an accessory use or home  
occupation in residence;

being a VARIANCE of Section 48-9-Table of Use/Bulk-Cl. A.-  
and Sec. 48-37-Definitions;

for property situated as follows:

16 Walnut Street, New Windsor, N.Y.

known as tax lot Section 18 Block 1 Lot 9.

SAID HEARING will take place on the 22nd day of May,  
1995, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P.M.

James Nugent  
Chairman

Irene & Jay Meyers, I have no  
objection to your having an  
arrow and gun repair at 16  
Walnut St. and you can tell the  
Zoning Bd.

Sincerely,  
Art Miller  
32 Walnut St.

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 18

Request of Irene & Jay Meyers

for a VARIANCE of the Zoning Local Law to permit:

arrow and gun repair as an accessory use or home  
occupation in residence;

being a VARIANCE of Section 48-9-Table of Use/Bulk-Gl. A.-  
and Sec. 48-37-Definitions;

for property situated as follows:

16 Walnut Street, New Windsor, N.Y.

known as tax lot Section 18 Block 1 Lot 9.

SAID HEARING will take place on the 22nd day of May,  
1995, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P.M.

James Nugent  
Chairman

*This is OK with us while the Meyers are in residence and the owner/operators of the above stated business.*

*George A. Whalen*  
*Estelle M. Whalen*



## COUNTY OF ORANGE

JOSEPH G. RAMPE  
COUNTY EXECUTIVE

## DEPARTMENT OF PLANNING

124 MAIN STREET  
GOSHEN, NEW YORK 10924-2124  
TEL: (914) 294-5151, EXT. 1770 FAX: (914) 294-3546  
PETER GARRISON, COMMISSIONER

Rec'd. ZBA  
office - 5/15/95  
(Pax)

### ORANGE COUNTY DEPARTMENT OF PLANNING 239 L, M OR N REPORT

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by:

OCDP Reference No.: NWT-3-95-M  
County I.D. No.: 18-1-9

Town of New Windsor

Applicant:

Irene Meyers

Proposed Action:

Use Variance - Interpretation as to whether an arrow and gun repair shop can be a home occupation.

State, County, Inter-Municipal Basis for Review:

Site does not appear to be within 500' of Federal, State or County Road.

Comments:

There are no significant inter-community or countywide considerations to bring to your attention.

Related Reviews and Permits:

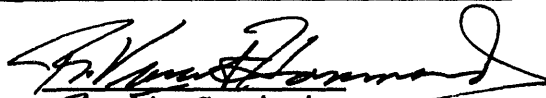
County Action: Local Determination X

Disapproved

Approved

Approved subject to the following modifications and/or conditions:

Date:  
5/12/95

  
Deputy Commissioner

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK

-----X  
In the Matter of Application for Variance of

Irene Meyers

Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

# 95-18..

-----X  
STATE OF NEW YORK )  
                              ) SS.:  
COUNTY OF ORANGE )

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age  
and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On 5/9/95, I compared the 48 addressed  
envelopes containing the attached Notice of Public Hearing with  
the certified list provided by the Assessor regarding the above  
application for variance and I find that the addressees are  
identical to the list received. I then mailed the envelopes in a  
U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
9<sup>th</sup> day of May, 1995.

Deborah Green  
Notary Public

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 1995

(TA DOCDISK#7-030586.AOS)

Date 5/12/95, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth, 147 Sycamore Dr. DR.  
New Windsor NY 12553

DATE			CLAIMED	ALLOWED
4/24/95		Zoning Board Meeting	75 00	
		Misc. - 1		
		Accumanno - 3		
		Cox - 3		
		Davidson - 4		
		Tierney - 3		
		Meyers - 8 36.00		
		Park Road - 10		
		Ciccarelli - 10	189 00	
		<u>42 pp</u>		
		APPROVED:	264 00	
		Chairman - ZBA		

MEYERS, IRENE

MR. NUGENT: Request for use variance for arrow and gun repair shop in residence located at 16 Walnut Street in an R-4 zone. Use not permitted in residential zone.

Mr. and Mrs. Meyers appeared before the board for this proposal.

MR. NUGENT: Where is Walnut Street, in Beaver Dam?

MR. MEYERS: Down by Royal Foods.

MR. NUGENT: You want to explain to the board what your intention is?

MR. MEYERS: Be like a part-time business dealing with arrows and gun repair, just general cleaning and maintenance on all firearms.

MR. NUGENT: What do you do, repair arrows, straighten them?

MR. MEYERS: Straighten them, cut down the sizing of the arrows and everything like that and repair bows also.

MR. NUGENT: Will there be any powder on the premises?

MR. MEYERS: No, there will not be, it's just a disassemble and general cleaning, scope mounting, stuff like that for the firearms.

MR. REIS: Doing any sighting in the basement, anything like that?

MR. MEYERS: No, not like that. New York State Law requires no discharging of any firearms or archery equipment within 500 feet of a dwelling.

MR. LANGANKE: Are you going to be selling firearms?

MR. MEYERS: No, just general repair, archery equipment, like arrows and stuff like that.

MR. REIS: Where are you in relation to Royal Food?

MR. MEYERS: I'm the first house as you come up passed Royal Foods right next to the property of the Quassaick Engine Fire Company, down that hill.

MR. NUGENT: Where they just tore down the hill?

MR. MEYERS: Yes.

MR. NUGENT: Right across the street?

MR. MEYERS: Right next to it.

MR. REIS: You'll be doing this in the garage area?

MR. MEYERS: Garage, basement will be off from the garage.

MR. REIS: Need any kind of sign for exposure, anything like that?

MR. MEYERS: No, I think word of mouth would probably be the best advertisement, if the board approves it.

MR. NUGENT: Mike, was that 4837?

MR. BABCOCK: No, 4837 is some definition.

MR. NUGENT: It's home occupation. This book is page 4896.

MS. BARHNART: It's R4 and it's under the bulk tables in the first column uses permitted by right, it's not included.

MR. NUGENT: But according to what I read here, it could be. You're not going to change the structure of the house in any way, shape or form?

MR. MEYERS: No.

MR. NUGENT: And you're not going to occupy more than one half of the ground floor area?

April 24, 1995

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MR. MEYERS: No, it's just going to be like a little corner in the basement.

MR. NUGENT: Please excuse us, please excuse us for a moment while we look up something.

MR. LANGANKE: Where you did get your expertise in gun repair?

MR. MEYERS: Well, gun repair, I'm taking a home course on that through C.S.I., mail order, well, like a home correspondence course and I have been practicing on my own guns, general disassemble, repair.

MR. REIS: Mr. Meyers, is there a driveway area that your patrons can park in?

MR. MEYERS: Yes, there's a driveway that they can walk down, walk into the garage area which will be lit so nobody falls or anything like that.

MR. LANGANKE: Mike, do you have any suggestions or ideas of how we can help this man in his request?

MR. BABCOCK: Well, Mr. Meyers explained basically the same situation to me and the home professional office area, it's not a listed use but it says not limited to, so what I suggested that he come here tonight and maybe the board can help me and him make a decision whether this is a use or not.

MR. NUGENT: Well, if I read whatever we just had here.

MR. BABCOCK: You have to be careful reading the definition because you have to get to a definition first, you have to find an area in the book that gives you the definition, like home professional office is 4821H.

MR. NUGENT: I just read through that and now I go to 4837 and it's home occupation.

MR. BABCOCK: Right.

MR. NUGENT: Which he meets.



MR. KRIEGER: Appears here home occupations and it appears here as determination if it were approved, if the determination was made still have to go to the planning board.

MR. NUGENT: On anticipated useage?

MR. KRIEGER: Yes.

MR. BABCOCK: It is under an accessory use, Andy.

MR. KRIEGER: Which, yeah, home, I'm looking at home occupation under 5, under accessory use and home professional office under ten under accessory use, I was just pointing out that under the home occupation, it is also listed as number 11 under minimum off-street parking requiring, this is for home occupation, requiring planning board approval. I was just, once the use has been approved and I was just pointing out to the chairman that that existed.

MR. NUGENT: I don't know, it's questionable.

MR. BABCOCK: Well, if you are looking at the R-4 bulk tables, it's an accessory use to a principal building. He's got a principal building, single family home, so it is an accessory use provided he follows this definition as far as the amount of ground floor area that he is going to use.

MR. KRIEGER: Basically, there are two questions involved here, is it permitted and is it an accessory use. Well, it's fairly clear that it should be easy for the application to establish that it is an accessory use. Now the question is whether it is permitted or not and that is a question of interpretation.

MR. LANGANKE: It's not specifically defined?

MR. NUGENT: No.

MR. KRIEGER: It's not listed one way or the other.

MR. BABCOCK: We have used this home occupations before with the general contractor, that is a roofing and siding contractor, can't think of some of the other examples, but situations like that where a guy basically doesn't work out of his house, he parks his truck there at night and maybe uses one bedroom as office area or for calls or whatever.

MR. KRIEGER: Basically, what the statute does, it sets forth an illustrative list but not an exclusive list of things that would be included. It mentions at least three things that would specifically not be included, none of which are applicable here and then it says for certain other criteria conducted by family residents only, no displaying of advertising a little, no display of products. So it's neither included nor excluded by any list specifically in the definition.

MR. LANGANKE: So, if we were to set up Meyers for a public hearing and then could he build his case with neighborhood support?

MR. KRIEGER: I would suggest you may wish to set him up for an interpretation and/or use variance, if he qualifies under the interpretation, of course he won't need to try and surmount the very difficult criteria.

MR. LANGANKE: But we can certainly use that as evidence if we were to bring some of my neighbors along who were in favor of the idea, couldn't we use that as a consideration in trying to determine this?

MR. NUGENT: That would help.

MR. KRIEGER: It's always because of considerations of the health, safety and welfare of the neighborhood are important, that is always, certainly, that is always part of it. And one of the purposes of the public hearing is for individuals to bring to the attention of the board things that otherwise would not come to its attention. It is not the presence or absence of neighbors will not determine alone, it should not be the sole determinant of whether or not he falls under the--

MR. LANGANKE: I am looking for things that can help him build a case.

MR. KRIEGER: But it would help him, yes.

MR. LANGANKE: To give us something to help us make a decision on.

MR. BABCOCK: If an interpretation of this board was found that this use is a home occupation, that that use is a home occupation then he doesn't need a variance. If it is a home occupation, then he needs a variance.

MR. LANGANKE: Well, we have to do that at a public hearing anyway.

MR. BABCOCK: That is correct.

MR. NUGENT: Well then, if there is no further questions, I would like to do that, let's have a motion by the board.

MR. LANGANKE: Do you understand Mr. Meyers?

MR. MEYERS: A little bit but not totally.

MR. LANGANKE: The law doesn't specifically deny this but it doesn't grant it either. For us to make a decision requires a public hearing so now we make a motion to set you up for one and at the public hearing one thing you can do to help us in addition to other things Andy may explain to you.

MR. KRIEGER: Perhaps if I may, a property owner is only permitted to use their property in a way that is allowed under the zoning law and there is a zoning law. Your proposed use of the property for this repair shop operation is neither expressly allowed nor is it expressly disallowed by the statute. There's a portion of the zoning statute that may apply to it, it is going to be up to the Zoning Board of Appeals to determine whether or not this particular use that you propose falls within that permissible window, if you will, or outside of it. That is the interpretation question. If it is determined by the Zoning Board of Appeals that

it does not fall within that window, then in order for you to use the property in the manner that you proposed, it will be necessary for you to get a use variance and in other words, a permission to vary the use permitted uses of the property. A use variance is very difficult. The state law has made it a very difficult thing to obtain, it's not a question of what this board or the Town Board or anybody locally wants or doesn't want, criteria is set forth under the state law and are given to the Zoning Board without its agreement or input and the Zoning Board is told that these are the criteria that it must apply. As you'll see, if the Zoning Board sets you up for a public hearing, I'll give you a list of the criteria and you'll see in reviewing it hopefully not right at the moment but you'll see in reviewing it why it is difficult to obtain a use variance. And that is one of the reasons why I have suggested to the board that perhaps an interpretation first is maybe the appropriate route to go, if you get the interpretation, if you get an interpretation favorable to you, there's no need for you to proceed to this variance. The Zoning Board of Appeals must act only after it has a public hearing that is a requirement of state law. They are talking about setting you up for a public hearing or giving you the permission to proceed is not an exception as far as you are concerned, that is the only way in which the Zoning Board of Appeals can take action, there's no discretion on their part.

MR. NUGENT: Okay.

MR. LANGANKE: I make a motion that we set the Meyers up for a public hearing to determine whether a use variance is necessary or if an interpretation will meet their requirements.

MR. REIS: Second it.

ROLL CALL

MR. LANGANKE	AYE
MR. NUGENT	AYE
MR. REIS	AYE

MR. KRIEGER: Now, there is, as I told you, I was going to give you a list of the criteria set forth in the statute for a use variance that is the typewritten portion up top. Now, in addition since you're seeking an interpretation, I have written in handwriting below that, the section of the code and the definition under which the Zoning Board of Appeals will have to proceed and what they have to interpret in order to address the question of your premises. I don't unfortunately have the ability at this point to make a photocopy if you see the building inspector sometime before you're ready, I am sure that he will be able to do that and that will give you the proper identifying features so you can go right to it and give you what you need.

MR. MEYERS: Okay, thank you.

**B.**

Local File No. 95-18

- OCPD-1

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 95-18

Date: 5/5/95

I. ✓ Applicant Information:

- (a) IRENE L MCYERS 16 WALNUT ST N.W. 12553 569-9135  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- (☒) Use Variance (☐) Sign Variance
- (☐) Area Variance (☒) Interpretation

III. ✓ Property Information:

- (a) R4 16 WALNUTS 1801-09 72x150 ±  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? PT
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 2/1/94
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. ✓ Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48-9, Table of Use/Bulk Regs., Col. A, to allow:

(Describe proposal) Arrow & gun repair as an accessory use to residence.

✓ (b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

Applicant feels that the use would be permissible under the category of "home occupations." We will only utilize the existing garage area (12x20±) of the residential dwelling. There will be no retail sales involved.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: N/A

(a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

N/A  
(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)



*N/A*  
 whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____

*N/A*  
 (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*N/A*  
 (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_  
 \_\_\_\_\_

✓ VII. Interpretation. ~~###~~

(a) Interpretation requested of New Windsor Zoning Local Law, Section 48-37, ~~Table of~~ Art. XI-Definitions Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

Arrow & gun general maintenance which we feel is a permissible use under the category of "home occupation."

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or



(b) Variance: Granted (\_\_\_\_) Denied (\_\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

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May 3, 1995

Ms. Irene Meyers  
16 Walnut Avenue  
New Windsor, N. Y. 12553

Re: Tax Map Parcel #18-01-09

Dear Ms. Meyers:

According to our records, the attached list of property owners are within five Hundred (500) feet of the above-referenced property.

The charge for this service is \$65.00, minus your deposit of \$25.00, leaves a balance due of \$40.00.

Sincerely,

LESLIE COOK  
Sole Assessor

/pab  
Attachment  
cc: Patricia A. Barnhart

New Windsor Little League Inc.  
P. O. Box 4024  
New Windsor, N. Y. 12553

Schebesta, Charles J. & Edward J.  
96 Cedar Avenue  
New Windsor, N. Y. 12553

Guadagno, Leonard J. & Louise P.  
6 Walnut Street  
New Windsor, N. Y. 12553

Bederka, Andrew J. & Suzanne  
8 Walnut Avenue  
New Windsor, N. Y. 12553

Hurd, Charles D. & Elma H.  
10 Walnut Street  
New Windsor, N. Y. 12553

Suphan, Robert J., Jr. & Mary R.  
12 Walnut Street  
New Windsor, N. Y. 12553

Whalen, Theresa Margaret  
14 Walnut Street  
New Windsor, N. Y. 12553

Abbruscato, John F. & Marie  
5 Buttonwood Drive  
New Windsor, N. Y. 12553

New Windsor Veterans Associaton Inc.  
Walnut Street  
New Windsor, N. Y. 12553

Miller, Arthur  
32 Walnut Street  
New Windsor, N. Y. 12553

Amoia, Anthony, Joseph, Michael & Mark  
% A&R Concrete Products  
Ruscitti Road  
New Windsor, N. Y. 12553

Cherry, Allen R. & Ruth S.  
118 Cedar Avenue  
New Windsor, N. Y. 12553

Quassaick Fire Engine Co.  
of New Windsor, N. Y. Inc.  
Walsh Avenue  
New Windsor, N. Y. 12553

Grieco, Alfred & Ethel E.  
27 Walnut Street  
New Windsor, N. Y. 12553

Kaiser, Joan X  
25 Walnut Street  
New Windsor, N. Y. 12553

Pallozzo, Vincent W. & Priscilla X  
23 Walnut Avenue  
New Windsor, N. Y. 12553

Chernek, Joseph & Ann B. X  
21 Walnut Avenue  
New Windsor, N. Y. 12553

Stankiewicz, James J. & Susan A. X  
19 Walnut Avenue  
New Windsor, N. Y. 12553

Smith, Victor J., Jr. & Debra J. X  
17 Walnut Avenue  
New Windsor, N. Y. 12553

Fescue, John J. & Frances X  
15 Walnut Avenue  
New Windsor, N. Y. 12553

Palmieri, Vincent X  
13 Walnut Avenue  
New Windsor, N. Y. 12553

Pisani, Maureen B. X  
11 Walnut Avenue  
New Windsor, N. Y. 12553

Zgrodek, Alex & Antionette X  
9 Walnut Avenue  
New Windsor, N. Y. 12553

Clark, John T. & Irene D. X  
5 Walnut Avenue  
New Windsor, N. Y. 12553

Jannotti, Mary C. & Thomas X  
102 Cedar Avenue  
New Windsor, N. Y. 12553

Dabroski, Joseph S. & Susan M. X  
104 Cedar Avenue  
New Windsor, N. Y. 12553

Garstka, Joseph W. & Elsie A. X  
106 Cedar Avenue  
New Windsor, N. Y. 12553

Broe, Charles H. X  
108 Cedar Avenue  
New Windsor, N. Y. 12553

Lucas, Thomas M. & Sarah A. X  
6 Locust Avenue

New Windsor, N. Y. 12553

Rodgers, Robert F. & Richard G.  
8 Locust Avenue  
New Windsor, N. Y. 12553

Slepoy, Scott M. & Pamela J.  
10 Locust Avenue  
New Windsor, N. Y. 12553

Bento, Kenneth, Jr. & Joaquim  
16 Grand Avenue  
Newburgh, N. Y. 12550

Hulse, Sandra L.  
Muller, Michael T.  
16 Locust Avenue  
New Windsor, N. Y. 12553

Ray, Gordon C. & Barbara Jean  
18 Locust Avenue  
New Windsor, N. Y. 12553

James, Joseph, Jr.  
McDaniel, Barbara  
191A Lakeside Road  
Newburgh, N. Y. 12550

Earley, Betty Jean  
23 Locust Avenue  
New Windsor, N. Y. 12553

Ruscitti, Nicholas J. & Helen  
21 Locust Avenue  
New Windsor, N. Y. 12553

Tompkins, William F., Jr. & Margaret  
19 Locust Avenue  
New Windsor, N. Y. 12553

Chewens, John H. & Bernadette H.  
P. O. Box 310  
Highland Falls, N. Y. 10928

Cimorelli, Thomas A. & Mary Ann  
15 Locust Avenue  
New Windsor, N. Y. 12553

Stvrtecki, William A. & Barbara J.  
13 Locust Avenue  
New Windsor, N. Y. 12553

Patel, Mukesh & Rita M.  
11 Locust Avenue  
New Windsor, N. Y. 12553

Farbent, Floyd M. & Margaret M.  
9 Locust Avenue

New Windsor, N. Y. 12553

Delpup, John & Margaret C.  
5 Locust Avenue  
New Windsor, N. Y. 12553

Soricelli, Michael M. & Tracey E.  
200 MacArthur Avenue  
New Windsor, N. Y. 12553

Steger, Richard C. & Sharon A.  
202 MacArthur Avenue  
New Windsor, N. Y. 12553

Hoffman, James M. & Patricia  
204 MacArthur Avenue  
New Windsor, N. Y. 12553

Classic Tool Design, Inc.  
31 Walnut Street  
New Windsor, N. Y. 12553



See Basic # 1

6447

# SEARCH

File No. 6697-57  
Christensen

UPSTATE COUNTIES ABSTRACT & SERVICING CORPORATION DOES HEREBY CERTIFY, That it has caused the Indices and Dockets in the County Clerk's Office of Orange County, N. Y., to be searched for Deeds, General Assignments, uncancelled Mortgages and Mortgages to Loan Commissioners, executed by, and uncancelled Lispendens, Collectors' Bonds, Sheriff's Certificates of Sale, Orders Appointing Receivers, Insolvent Assignments, Foreclosure by Advertisement, Homestead Exemptions, Contracts for Building Loans, Conditional Sales Contracts for three years past and Federal Tax Liens docketed during the period or periods stated, and for liens filed pursuant to Sect. 150-a C.P.A. and, since February 26, 1936, for Notices filed under Article 10-B of the Lien Law, against the following person or persons, corporation or corporations:

New Windsor Land Company, Inc. from October 5, 1939 to July 3, 1941.  
\*Mitchell M. Gabron from April 23, 1941 to October 28, 1949.  
Sophie C. Gabron from April 23, 1941 to October 28, 1949.  
Thomas A. Cimorelli from October 19, 1949 to August 3, 1950.  
Mary Ann Cimorelli from October 19, 1949 to August 3, 1950.  
Joseph Masarachia from July 27, 1950 to August 28, 1951.  
Mary M. Masarachia from July 27, 1950 to August 28, 1951.  
Stanley C. Millspaugh from August 23, 1951 to August 10, 1956.  
Bernice B. Millspaugh from August 23, 1951 to August 10, 1956.

*and also that it has caused the Dockets of Mechanics' Liens, in said office, to be searched for uncanceled Mechanics' Liens docketed against*

Stanley C. Millspaugh from August 10, 1954 to August 10, 1956.  
Bernice B. Millspaugh from August 10, 1954 to August 10, 1956.

*and also that it has caused the Dockets of Judgments, in said office, to be searched for unsatisfied Judgments and Transcripts of Judgments docketed against*

Same names as above beginning at \* from August 10, 1946 to respective last dates.

*and finds as follows affecting lands in the Town of New Windsor, County of Orange and State of New York, described in Deed, Joseph Masarachia and Mary M. Masarachia, husband and wife, to Stanley C. Millspaugh and Bernice B. Millspaugh, husband and wife, dated August 24, 1951 and recorded August 27, 1951 in Orange County Clerk's Office in Liber 1206 of Deeds at page 251.*

Dated, Newburgh, N. Y.,  
C&N  
NSB(Christensen)

August 10<sup>19</sup> 56.

For Early title read 6697-Vanderhoof (Vanderhoof to Newburgh Savings Bank).

Read all instruments therein, down to and including Liber 828 cp. 492, subsequent title follows:

# SEARCH

File No. 6697-57

Christensen

UPSTATE COUNTIES ABSTRACT & SERVICING CORPORATION DOES HEREBY CERTIFY, That it has caused the Indices and Dockets in the County Clerk's Office of Orange County, N. Y., to be searched for Deeds, General Assignments, uncanceled Mortgages and Mortgages to Loan Commissioners, executed by, and uncanceled Lispendens, Collectors' Bonds, Sheriff's Certificates of Sale, Orders Appointing Receivers, Insolvent Assignments, Foreclosure by Advertisement, Homestead Exemptions, Contracts for Building Loans, Conditional Sales Contracts for three years past and Federal Tax Liens docketed during the period or periods stated, and for liens filed pursuant to Sect. 150-a C.P.A. and, since February 26, 1936, for Notices filed under Article 10-B of the Lien Law, against the following person or persons, corporation or corporations:

Stanley C. Millspaugh from August 9, 1956 to October 4, 1956.

Bernice B. Millspaugh from August 9, 1956 to October 4, 1956.

Francis E. Christensen from September 27, 1956 to October 7, 1956.

Dorothy Christensen from September 27, 1956 to October 7, 1956.

and also that it has caused the Dockets of Mechanics' Liens, in said office, to be searched for uncanceled Mechanics' Liens docketed against

Same names as above from August 9, 1956 to October 4, 1956, except:

Francis E. Christensen from October 7, 1954 to October 7, 1956.

Dorothy Christensen from October 7, 1954 to October 7, 1956.

*and also that it has caused the Dockets of Judgments, in said office, to be searched for unsatisfied Judgments and Transcripts of Judgments docketed against*

Same names as above from August 9, 1956 to October 4, 1956, except:  
Francis E. Christensen from October 7, 1946 to October 7, 1956,  
Dorothy Christensen from October 7, 1946 to October 7, 1956.

*and finds as follows affecting lands in the*Town of New Windsor, County of Orange and State of New York, described in Deed, Stanley C. Millspaugh and Bernice B. Millspaugh to Francis E. Christensen and Dorothy Christensen, his wife, dated September 28, 1956 and recorded October 3, 1956 in Liber 1403 of Deeds at page 236 in the Orange County Clerk's Office.

*Dated, Newburgh, N. Y.,*

October 7, 1956 .

C&N

NSB(Christensen)

STANLEY C. MILLSPAUGH and  
BERNICE B. MILLSPAUGH

to

FRANCIS E. CHRISTENSEN and  
DOROTHY CHRISTENSEN, his wife  
as tenants by the entirety.

F. C. W. DEED

Dated Sept. 28, 1956

Ack. Oct. 1, 1956

Rec. Oct. 3, 1956

Cons. \$10 & O.G.&V.

L. 1403 cp. 236

Hab. Fee as tenants by  
the entirety.

Grant and release unto the parties of the second part  
their heirs and assigns forever,

Same premises by same description and subject to same  
easement, covenants &c. as in Liber 1206 cp. 251.

Being the same premises described in deed dated August 24,  
1951 made by Joseph Masarachia and Mary M. Masarachia to Stanley  
C. Millspaugh and Bernice B. Millspaugh and recorded in Orange  
County Clerk's Office August 27, 1951 in Liber 1206 of Conveyances  
at page 251.

Contains Lien Law Trust Covenant.

*Prelim.*  
*April 24, 1995*  
*#95-18*

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: APRIL 20, 1995

APPLICANT: IRENE MEYERS  
16 WALNUT STREET  
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: APRIL 17, 1995  
FOR (BUILDING PERMIT): ARROW AND GUN REPAIR IN GARAGE AND  
BASEMENT.

LOCATED AT: 16 WALNUT STREET

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 18, BLOCK: 1, LOT: 9  
EXISTING ONE FAMILY HOME

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. ARROW AND GUN REPAIR SHOP IS NOT A PERMITTED ACCESSORY USE IN  
AN R-4 ZONE.

*Ernst Schmidt*  
\_\_\_\_\_  
BUILDING INSPECTOR

REQUIREMENTS

PROPOSED OR  
AVAILABLE

VARIANCE  
REQUEST

ZONE: R-4            USE R-4 BULK TABLE M-10

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT  
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.



**IMPORTANT**  
**REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE**

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises IRENE L MEYERS  
Address 16 WALNUT ST Phone 914 561-6783 or 569-3195  
Name of Architect ..... 569-9135  
Address ..... Phone .....  
Name of Contractor .....

Address ..... Phone .....

State whether applicant is owner, lessee, agent, architect, engineer or builder. OWNER

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the NORTH side of WALNUT  
(N, S, E. or W.)  
and 150' feet from the intersection of MAC FATHER
2. Zone or use district in which premises are situated R4 Is property a flood zone? Yes..... No X
3. Tax Map description of property: Section 18 Block 1 Lot 9
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.  
a. Existing use and occupancy..... b. Intended use and occupancy.....
5. Nature of work (check which applicable): New Building..... Addition..... Alteration X Repair.....  
Removal..... Demolition..... Other.....
6. Size of lot: Front Rear..... Depth 150.0 Front Yard..... Rear Yard..... Side Yard.....  
Is this a corner lot? NO
7. Dimensions of entire new construction: Front..... Rear..... Depth..... Height..... Number of stories 1
8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....  
Number of bedrooms 3 Baths 1 Toilets 1  
Heating Plant: Gas..... Oil X Electric/Hot Air..... Hot Water.....  
If Garage, number of cars.....
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use ARROW & GUN REPAIR  
IN GARAGE & BASEMENT
10. Estimated cost..... Fee.....  
(to be paid on this application)
11. School District NEWBURGH

NEEDS VARIANCE

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

# TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....  
 Approved.....19.....  
 Disapproved a/c.....  
 Permit No. ....

Office Of Building Inspector  
 Michael L. Babcock  
 Town Hall, 555 Union Avenue  
 New Windsor, New York 12550  
 Telephone 565-8807

Refer -  
 Planning Board.....  
 Highway.....  
 Sewer.....  
 Water.....  
 Zoning Board of Appeals .....

## APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date *April 17*.....19*95*....

## INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

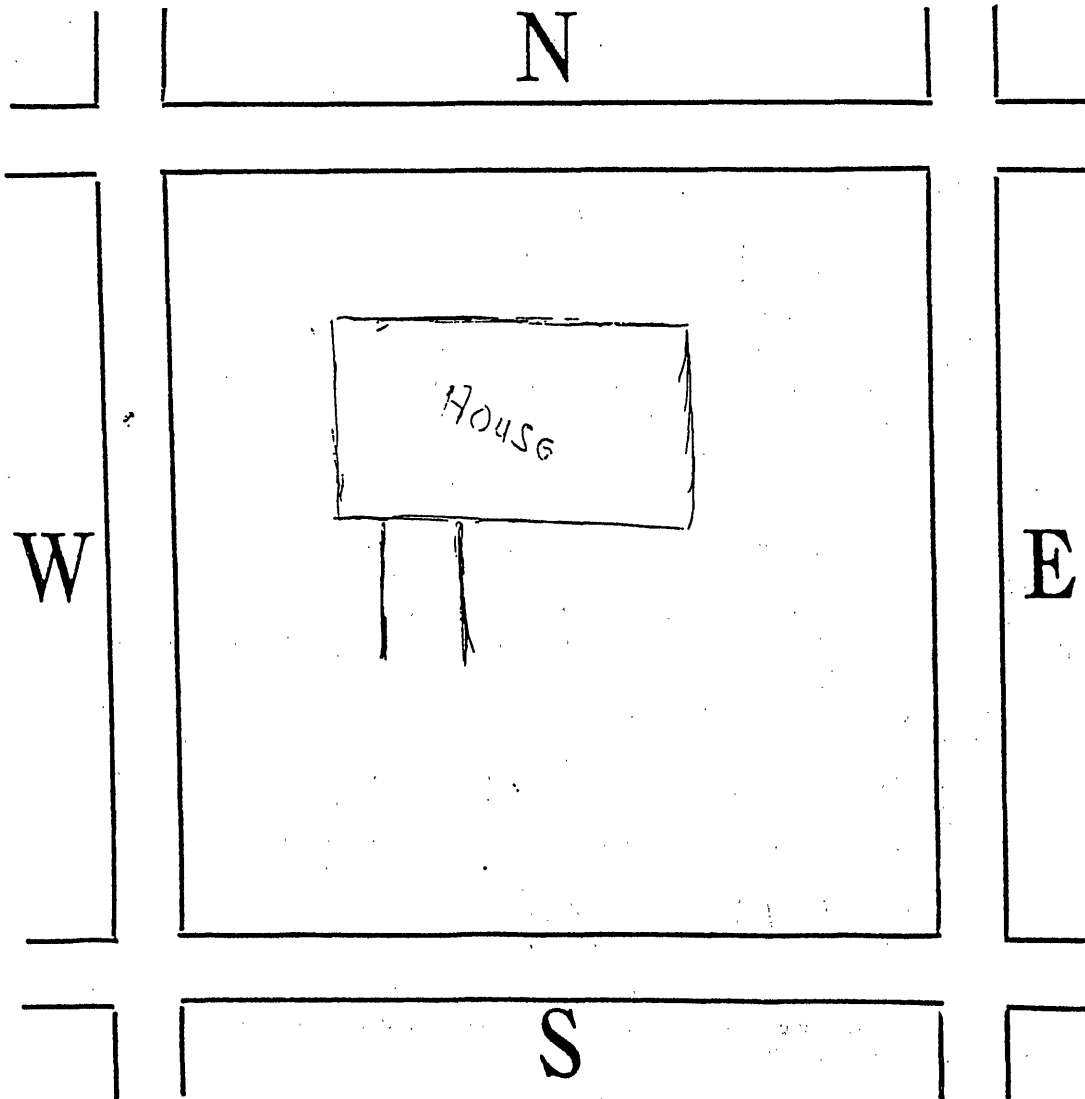
.....*Charles L. Meyers*.....  
 (Signature of Applicant)

.....*16 Walnut St New Windsor*.....  
 (Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.







PROJECT I.D. NUMBER

617.21

SEQR

## Appendix C

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <i>IRENE L MEYERS</i>	2. PROJECT NAME
3. PROJECT LOCATION: Municipality _____ County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>16 WALNUT ST NEW WINDSOR N.Y. 12553</i>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>CONVERTED GARAGE into WORKSHOP</i>	
7. AMOUNT OF LAND AFFECTED: Initially <u>0</u> acres    Ultimately <u>0</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If No, describe briefly <i>GOING FOR a ZONE VARIANCE</i>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: _____	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If yes, list agency(s) and permit/approvals <i>FEDERAL FIREARMS LICENCE</i>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <i>Irene L. Meyers</i> Date: <i>5/8/95</i> Signature: <i>Irene L. Meyers</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

<b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?</b> If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.8?</b> If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</b> C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: <i>NONE OF THE ABOVE LISTED</i> C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: <i>NO DISTURBANCE TO NEIGHBORHOOD TO HISTORICAL VALUE</i> C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: <i>NO THREAT</i> C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: <i>CONVERTING A GARAGE INTO A BUSINESS</i> C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: <i>NO GROWTH PLANNED</i> C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: <i>NO</i> C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: <i>NONE</i>	
<b>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain briefly	

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
_____	
Name of Lead Agency	
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from responsible officer)
_____	
Date	



**HOME OCCUPATION** — Any gainful personal service occupation customarily conducted within a dwelling used for living purposes, which occupation does not change the character of the structure as a residence. Said activity shall not occupy more than one-half ( $\frac{1}{2}$ ) of the ground floor area of the dwelling or its equivalent elsewhere in the dwelling if so used. Permissible "home occupations" include but are not limited to the following: art studio; dressmaking; and teaching with musical, dancing and other instruction limited to teaching one (1) pupil at a time. However, "home occupations" shall not be construed to include uses such as the following: clinic or hospital, restaurant or animal hospital. "Home occupations" shall be limited to occupations conducted by family residents only. No display of advertising, other than a small nameplate, and no display of products shall be visible from the street.

**HOME PROFESSIONAL OFFICE** — Any gainful service occupation customarily conducted within a dwelling by the residents thereof, which occupation is clearly secondary to the use of the dwelling for living purposes and which does not change the character of the structure as a residence. Said activity shall not occupy more than one-half ( $\frac{1}{2}$ ) of the ground floor area of the dwelling or its equivalent elsewhere in the dwelling if so used. Permissible "home professional offices" include but are not limited to the following: offices of a clergyman, lawyer, physician, dentist, architect, engineer or accountant; and other instruction limited to teaching with music, dancing and the like. Said activity shall have no partner or associate in the practice of such profession and shall employ no more than two (2) persons and create no public nuisance. At all premises wherein "home professional offices" are maintained, the following parking requirements shall be satisfied in addition to those required by this law if no such "home professional office" were maintained: four (4) parking spaces for the principal practitioner plus one (1) space for each employee and/or one (1) space for each one hundred (100) square feet of floor space used for the conduct of the "home professional office" including offices, work space and waiting rooms.

# This Indenture,

Made the *fifteenth* day of *February*, *nineteen*  
*hundred and fifty-eight*

Between FRANCIS E. CHRISTENSEN and DOROTHY CHRISTENSEN, his wife,  
both residing at Walnut Street, New Windsor, M. D. #23, Newburgh,  
New York (no street number)

*part 1esf the first part, and*

LESTER M. BROWN and HILDEGARDE W. BROWN, his wife, both residing  
at Folin Heights, Town of Newburgh, New York (no street or number)  
as tenants by the entirety

*part 1esf the second part:*

~~Witnesseth~~, that the part 1esf the first part, in consideration of  
TEN and no/100-----(\$10.00)-----Dollars,  
lawful money of the United States, and other good and valuable consideration  
*paid by the parties of the second part,*  
do hereby grant and release unto the parties of the second part,  
their heirs *and assigns forever,*

All that certain plot, piece or parcel of land situate, lying and  
being in the Town of New Windsor, County of Orange and State of  
New York, more particularly described as follows:

BEGINNING at a point in the northerly line of Walnut Street, being a newly laid out street as shown and designated on a map of the lands of the New Windsor Land Company, Inc. titled Woodlawn Park and filed in the office of the County Clerk of Orange County on March 21, 1941, said point of beginning being a distance of 450 feet measured along said line of Walnut Street from the westerly line of Cedar Avenue and runs thence along the westerly line of Lot No. 56 on said map North 35 degrees 12 minutes east 150 feet to a point in the southerly line of a lane; thence along said line North 52 degrees 36 minutes west 71.76 feet to a point in the easterly line of certain lands occupied by the Boy Scouts Camp; thence along said lands south 35 degrees 22 minutes west 150 feet to a point in the northerly line of said Walnut Street; thence along said line of street south 52 degrees 36 minutes east 72.20 feet to the point or place of beginning. Said parcel as hereby described being Lot No. 57 on said map, and being a part or subdivision of the lands heretofore conveyed to the New Windsor Land Company, Inc.

SUBJECT, however, to the right of easement of running water mains, telephone and electric light poles across the rear of said premises within two feet of the lot lines either below ground or upon poles.

SUBJECT to the following conditions and covenants which shall run with the title to the lands hereby conveyed forever:

FIRST: That neither the said parties of the second part nor their heirs or assigns shall or will erect or permit upon any portion of said premises any building excepting a detached dwelling house of less cost than Two Thousand Dollars (\$2000.00), and the first floor of which dwelling when so erected shall have an area of not less than five hundred (500) square feet, and shall have its sides parallel with the sides of the lot upon which it is erected.

SECOND: That neither the parties of the second part nor their heirs or assigns shall or will erect more than one such dwelling on any parcel of land having less than a 50 foot frontage, excepting, however, that there may be erected upon each parcel having a 50 foot frontage, a private automobile garage, provided, however, that every part of such garage when erected shall be to the rear of the dwelling house, and that no portion of said garage shall be closer to the road or street than is the rear of the dwelling house.

THIRD: That neither the parties of the second part nor their heirs or assigns, shall, or will erect, or permit upon any portion of the said premises, any dwelling less than 25 feet, nor more than 30 feet of the building line of Walnut Street; that the above covenant in respect of a 25 to 30 foot building line shall not apply to steps, piazzas or bay or oriel windows, upon houses erected in accordance with the above restrictions.

FOURTH: That neither the parties of the second part nor their heirs or assigns shall or will manufacture or sell or cause or permit to be manufactured or sold on any portion of the premises hereby conveyed, any goods or merchandise of any kind and will not carry on or permit to be carried on, on any part of said premises, any trade or business whatsoever without the consent of the New Windsor Land Company, Inc.

FIFTH: That no public or private nuisance shall be maintained on said premises.

SIXTH: That neither the parties of the second part nor their heirs or assigns shall or will cause or permit to be erected any fences of any type on the side or sides of said property abutting a street; that nothing contained in this covenant shall prevent the said parties of the second part from erecting a wire fence on the other sides, but that no other type of fence may be erected on said premises.

SEVENTH: That neither the parties of the second part nor their heirs or assigns shall keep or permit any animals or birds except an ordinary and reasonable number of household pets upon the property hereby conveyed.

BEING the same premises conveyed to the grantors herein by Stanley C. Millspaugh and Bernice B. Millspaugh by deed dated September 28, 1956, and recorded in the Orange County Clerk's Office on October 3, 1956, in Liber 1403 of Deeds at page 236.

"SUBJECT, however, to a mortgage dated September 28, 1956, made by Francis E. Christensen and Dorothy Christensen to Newburgh Savings Bank, given to secure the sum of \$8,000.00 and interest, and recorded in the Orange County Clerk's Office on October 3, 1956, in Liber 1196 of Mortgages at page 243, upon which mortgage there is now due the principal sum of \$7,678.60 with interest at 5% from February 1, 1958.

48  
Together with the appurtenances and all the estate and rights of the parties of the first part, in and to the said premises.

To have and to hold the premises herein granted unto the parties of the second part, their heirs and assigns forever.  
as tenants by the entirety.

And said FRANCIS E. CHRISTENSEN and DOROTHY CHRISTENSEN

covenant as follows:

First. That said parties of the first part are  
seized of the said premises in fee simple, and  
have good right to convey the same;

Second. That the parties of the second part shall quietly enjoy the said premises;

Third. That the said premises are free from incumbrances; except as hereinbefore  
set forth;

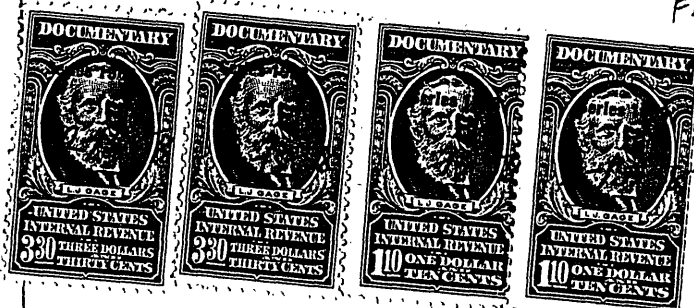
Fourth. That the parties of the first part will execute or procure any further necessary  
assurance of the title to said premises;

Fifth. That said FRANCIS E. CHRISTENSEN and DOROTHY CHRISTENSEN  
will forever warrant the title to said premises.

Sixth. The grantors, in compliance with Section 13 of the Lien Law, covenant as follows:  
That they will receive the consideration for this conveyance and will hold the right to receive  
such consideration as a trust fund to be applied first for the purpose of paying the cost of  
the improvement, and that they will apply the same first to the payment of the cost of the  
improvement before using any part of the total of the same for any other purpose.

In Witness Whereof the parties of the first part have hereunto set their hands and seal this day and year first above written

In the Presence of



FE Francis E. Christensen (L. S.)

Dorothy H. Christensen (L. S.)

State of New York

County of Orange

ss.:

On the 15<sup>th</sup> day of Feb., nineteen hundred and  
fifty-eight before me personally came FRANCIS E. CHRISTENSEN and  
DOROTHY CHRISTENSEN, to me known  
to be the individual s described in, and who executed, the foregoing instrument, and  
acknowledged that they executed the same.

Dominick V. Crisci

DOMINICK V. CRISCI  
Notary Public, State of New York  
Qualified in Orange County  
Commission Expires March 30, 1959

# Deed

FRANCIS E. CHRISTENSEN and  
DOROTHY CHRISTENSEN

TO

*R. E.*  
LESTER M. BROWN and HILDEGARDE  
W. BROWN

*Carter Ave 700 25*  
*Newburgh NY*

Dated, *Feb. 15* 1958

Orange County Clerk's Office, s.s.

Recorded on the *25* day  
of *Feb* 1958 at *9*.....

o'clock *2* M. in labor *1454*  
*Needs*..... at page *487*  
and Examined.

*R. E. Christensen* Clerk

LAW OFFICES OF  
CASSEDY & NORTROP  
43 THIRD STREET  
NEWBURGH, N. Y.

*3*